

By the Judgement of 17 April 2019 No.18-II the Constitutional Court of the Russian Federation appraised constitutionality of Article 73, Section 1, Article 299, Section 1 and Article 307 of the Criminal Procedure Code of the Russian Federation.

The contested provisions regulate the circumstances to be proved during the criminal proceedings, the issues resolved by the court in sentencing, as well as the content of the reasoning part of the sentence.

The challenged provisions were subject to review to the extent to which they serve as a basis to resolve in a court sentence the issue of preserving, after the verdict came into force, the seizure on the property of a person who is not the defendant or who is legally liable for the latter's actions, imposed in a criminal case, in order to secure a civil action.

The Constitutional Court recognised the challenged provisions unconstitutional to the extent to which they allow maintaining the said seizure after the sentence enters into force. Preserving the seizure of property of a person who is not a defendant or a person who is legally liable for the latter's actions, in order to secure a civil claim after the entry into force of the verdict constitutes disproportionate and unreasonable belittlement of property rights, does not meet the constitutional criteria of justice and proportionality of restrictions of rights and freedoms, does not provide guarantees for the protection of property by law, arising from the principle of the inviolability of property, as well as guarantees of judicial protection.